

# THE SENTINEL.

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## THE LAW AS IT IS.

BY H. T. ALKIER.

### Election Frauds by Judges and Clerks

Frauds in elections are not all committed by the voters either. It has developed in many cases upon all election counts that hundreds of legal votes (ballots) have been by the judges and clerks of elections thrown out, or suppressed, while other hundreds of ballots that never were voted at all have been counted, and cast up in the returns. These frauds were committed by the judges and clerks of elections and have been after this sort of citizens, however, now for some time past and with a pretty sharp stick, too. As far back as 1877, a law was passed in this state providing that: "If any judge or clerk of any election authorized by law or any other person, shall willfully and knowingly receive and place in the ballot box, or aid, assist or consent to the placing in any ballot box any ballot, or paper purporting to be a ballot, which is not legally voted by a qualified voter at such election, or shall illegally, willfully and fraudulently abstract, or aid in, or assist to, the abstraction from any ballot box any legal ballot for the purpose of changing the lawful result of any election, or shall in any manner willfully influence or attempt to influence any person to do any of the acts aforesaid, or to omit to do any lawful act required of him in relation to any election, or shall in any manner illegally, willfully and fraudulently change or attempt to change, or induce any other person to change the true and lawful result of any election by any act to be done either before, at the time of, or after such election, by a wrong count of the ballots, by changing the true returns or making a false return thereof, or by changing the figures of the returns after they are made up either before or after the returns are duly made, or in any manner except in pursuance of law or the order of a court, every person offending against any of the provisions of this section, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or by imprisonment in the county jail not less than three months, and by a fine not less than one hundred dollars, or by both such fine and imprisonment, and shall also be forever prohibited from voting at any election and from holding any office or position of trust or emolument under authority of this state, or any department thereof, or of any county, city or town thereof, either by election or appointment, or as clerk or employee. Two years thereafter, to wit: In 1879, the legislature went still further upon this subject, and inserted a section of statute which provides that: Any person who may be authorized by law to receive, canvass or count the poll books, tally lists or election returns of any election authorized by law, who shall willfully and knowingly receive, canvass and count or assist therein, any poll books, tally lists or election returns which are fraudulent, forged, counterfeited, or falsified, or fraudulently make an incorrect and false count of any election returns, with intent to defeat a fair expression of the popular will, and any person or persons whose duty it may be to grant certificates of election, or in any manner declare the result of any election held by authority of law, who shall grant a false certificate, or declare the result of any election, based upon fraudulent, fictitious or illegal votes or returns with intent to defeat a fair expression of the popular will, or to deprive any person duly elected of his office, shall be deemed guilty of a felony, and upon conviction, be punished by imprisonment in the penitentiary for any term not exceeding five years. There had, just prior to this time, been some complaint that judges and clerks of election had been extremely careless in casting up and certifying to election returns from different parts of the state—and in fact certain returns from precincts thus carelessly certified had been thrown out entirely, in several cases—thus defeating certain officers who had been surely elected—and so the legislature at this '79 session enacted another law, which provides that: If the judges and clerks of any election, or any of them, shall willfully neglect, refuse or omit to perform any duty enjoined or required of them by law with respect to holding and conducting such election, receiving and counting out the ballots, and making proper return thereof, or shall inspect or read any ballot voted, or disclose the name or names of any of the candidates or persons voted for, by any voter at such election, shall be deemed guilty of a misdemeanor, and punishable by heavy fines, or imprisonment in the county jail, or both. These laws are all upon our statute books yet today, and are in full force and operation throughout the state of Missouri; and it behooves us all, as good citizens to see to it always and everywhere that they are strictly enforced and complied with. This is the way to have fair and satisfactory elections—and the only way. A free ballot and a fair and impartial count is the greatest safeguard to our Republican institutions, for without these none of our other institutions or possessions are safe. A popular election, honestly conducted, embodies the very majesty of true government. The safety of the republic itself rests upon the integrity of the ballot; upon the security of deposit to the citizen. To deprive a fraudulent vote, in my mind, one of the most reprehensible and inexcusable crimes against constitutional liberty of which a man can be guilty—but even this I opine is no worse than that of obstructing the deposit of an honest vote by somebody else or the fraudulently returning of an untrue account of the votes that have been honestly cast. He who (in any way) corrupts the ballot box strikes at the very root of free government, and is the arch enemy of the republic. By trampling upon the rights of others he also fatally imperils his own

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rights. "This is a goodly land which the Lord our God hath given us," but we can maintain our precious heritage only by guarding with eternal vigilance the source of all our popular power—the ballot.

"The ballot that falls as lightly as snowflakes falling on the sea, but executes a free man's will as lightning does the will of God."

Accessories.

An "accessory" is one who helps to commit a crime. He may not be present at its commission; generally he is not; but if he aids the person who does commit the crime, by concealing him, advising him, or otherwise, he becomes an accomplice in the crime or an "accessory," as the law books call it. There are two kinds of accessories to crime—one "before the fact," and one "after the fact." An accessory before the fact is one who, previous to the commission of a felony, and preparatory thereto, acts as an adviser, protector or silent helper of the person who actually commits the crime, and such accessories are by our laws held equally guilty with the principal, and may be charged, tried, convicted and punished in the same manner as a principal in the first degree. That is to say, an accessory before the fact to any murder, treason, kidnapping or either of the other high crimes for which the penalty might be death, might himself be punished in the same way;—and so on, for all the crimes throughout the whole category of offenses. This is so, however, for accessories after the fact. They receive much less punishment than the principals whom they have assisted—and this is as it should be, for the reason that accessories after the fact are not supposed to have had any guilty knowledge of the crime whatever until after it has been committed. If they did, and were in any way connected with the plans for its commission, then they become accessories before the fact, as well, and might be punished as principals. Accessories after the fact are those persons who have concealed offenders after the commission of any felony, or who have given such fellows any other aid, knowing that such offenders have committed such felony, with the intent and in order that such felons may escape or avoid arrest, trial, conviction or punishment; and such persons so becoming accessories after the fact, are punishable by imprisonment in the penitentiary for any term of years not greater than five; or by incarceration in the county jail, or by a fine, according to the degree of guilt proven at the trial. (This law applying to accessories after the fact, however, exempts from its operations all persons standing in the relationship to such felony by either affinity or consanguinity, of either husband or wife, parent or grandparent, child or grandchild or brother or sister.) Sometimes the efforts of accessories after the fact to secrete and procure the escape of a felon prove successful—but that does not prevent an immediate prosecution of the accessory. On the contrary an accessory, either before or after the fact, may be indicted, tried and punished, notwithstanding the principal felon may not have been arrested, tried or convicted.

A Birdseye View of Oregon and Vicinity.

Mouday forenoon, October 14th, the physics class of the Oregon High school, under the protecting eye of Prof. Coburn, was seen climbing the stairs to the third floor of the school building. The occasion was nothing particularly unusual, the class was merely testing the Arendt barometer.

Through the narrow door on the second floor, oh my! and up the steep ladder to the roof, they passed and in a few moments the "lucky thirteen" was in the roof and the barometer tested. While the class was waiting for the barometer to change, a view of the surrounding country was taken.

The morning was clear and cool, an ideal autumn morning, and as far as the eye could reach, a most beautiful picture presented itself.

The frost of the night before, had turned the leaves of the trees and shrubs into the most beautiful shades imaginable. Looking to the west lay our little home city, calm and peaceful, showing happy homes of wealth and culture. Farther to the west and south, with the red and yellow hills for a background, could be seen the blue mists rising from the Missouri river.

Toward the south and east, the smoke from the factories of St. Joseph and Kansas City arose and drifted along the clear blue sky in a long, black trail. Directly we turned our eyes toward the east and the scene was one which surpassed the others in grandeur.

This scene presented to us, the happy homes of our farmers, every one of which was an illustration and example of the industrious Holt county farmer.

Each farm had its own boundaries, most of them now red, yellow and bronze, forming lines of these colors around the fields and pastures.

Mr. Smith could see his home county in this direction and he could pick out the very trees that he used to sit under and munch green apples.

Mr. Kunkel and Miss Zachman could see Fillmore (2) and in their minds they watched the train as it approached the depot at that place?

Johnnie Curtis surprised the class, while they were looking at the smoke from the train at Fillmore by exclaiming: "Well sir, I can see my mother cooking dinner; way over there is the house by that big tree!"

We all looked but our eyes were not well enough acquainted with Johnnie's home life to imagine his mother in the kitchen at that time preparing "those pies, two kinds of potatoes," and the other things that the Evangelist would have missed, had he said: "I pray thee have me excused." The class had quite a time looking Edgar Chapman from

the edge of the roof.

The members all understood how Edgar was for finding out things unknown, perhaps caused from his being educated in Kokcha. And for fear Edgar might jump off to see how far he could jump, Mr. Kunkel kept his kind persuasive voice in constant use.

The smaller members of the class, especially the girls, had a difficult time keeping on their feet, for the wind was blowing and it was no wonder of persons. Etta Greene, Jennie Carr and another "small member," whose name will not be mentioned, were noticed keeping on the good side of Prof. Coburn and the smoke stack for protection. While the class was trying to get up a debate as to which of the bluffs, over in the west, marked the site of White Cloud, Kas., the encouraging voice of the teacher called them all back down the steep ladder and through the narrow door to actual work.

Besides learning something in regard to the barometer, the class was certainly bettered by these few moments spent on the roof of the old building, for no one could stand there and look out over the rich, productive country, now so beautiful in its rich autumn robes, without carrying away a lesson something like this:

God gave to man this land, once as beautiful as now, although rough and untilled.

It first fell to the savage but he could not beautify it as it now is, because his mind was not developed, because he had no ambition nor desire to rise above his low plain. Later, there came a people whom God had provided with bright minds, because they had a desire to become great. Years and years they toiled; from a few rude huts in the wilderness, villages sprung into existence, and from these villages the cities.

All this time the minds of the people were developing and soon inventions were in order, until today, our home city, to us, is one of the loveliest places in the world.

Our people have bright minds and never for a moment forget or despise the God, who has so graciously helped those who helped themselves.

Do you not think this teaches us to those who appreciate the small things given them by the Great Master and who diligently study and work to improve the same blessings, will be aided and enriched by Him who has given them.

Miss PERNA.

## REAL ESTATE MIMOGRAPH

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